IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Arbitration Case No.230 of 2006

Date of Decision: August 20, 2007

Shri Gursharan Singh **....Petitioner**

through Mr.R.S.Bajaj , Advocate

v.

Shri Ritesh Khatri **....Respondent**

through Mr.D.S.Brar, Advocate

CORAM: HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE

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1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

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VIJENDER JAIN, CHIEF JUSTICE (ORAL)

This is a petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator. Learned counsel for the petitioner has relied upon Clause 20 of the arbitration agreement which is to the following effect:-

> "20. That in case of any dispute, controversy or claim relating to this partnership or any breach in respect thereof, the matter will be first decided by the partners mutually and if the partners are unable to settle the dispute or other such matter amicably, the same shall be referred to the Arbitrator under

the Indian Arbitration Act, then in force."

It is contended by learned counsel for the petitioner that vide notice dated 22.12.2004, the said arbitration clause was invoked. However, no Arbitrator was appointed. Learned counsel appearing for the respondent has contended that Arbitrator was not appointed as there is no dispute between the parties. The law is well settled that even if a party alleges that there is no dispute, whether a dispute exists or not is also to be adjudicated upon by the Arbitrator.

Therefore, with the consent of the parties, I appoint Mr.B.R.Bansal (retired Additional District & Sessions Judge, Punjab) as the sole Arbitrator to adjudicate upon all the disputes between the parties.

The Arbitrator shall fix his own fee.

Intimation of appointment be sent to the Arbitrator.

Parties to appear before the Arbitrator on 20.10.2007 at 4.00 P.M. at his residence.

Petition stands disposed of.

(VIJENDER JAIN)
CHIEF JUSTICE

August 20, 2007

RC